



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 31, 2021

By ECF and Fax

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Since Plaintiff and Defendant agree to postpone production, a stay is unnecessary. The parties shall jointly report the status of proceedings by June 1, 2021, and appear for a conference on June 18, 2021, at 10:00 a.m.

So ordered,
/s/ Alvin K. Hellerstein
April 2, 2021

Re: *Emery Celli Brinckerhoff Abady Ward & Maazel, LLP v. United States Department of Justice et al.*, No. 20 Civ. 9917 (AKH)

Dear Judge Hellerstein:

This Office represents Defendants in the above-captioned Freedom of Information Act (“FOIA”) action. I write on behalf of both parties to respectfully request that the case be stayed, and that a joint status letter from the parties be due no later than June 1, 2021.

The Government answered the Complaint on January 15, 2021. Since that time, the Government searched for and located potentially responsive records, totaling 279 pages. Of these, the Government produced 240 pages in full and 31 pages in part, and withheld 8 pages in full, pursuant to FOIA Exemptions 6, 7(C), and 7(E).

There may be additional non-exempt records responsive to the FOIA request. However, such additional records may implicate an ongoing investigation; as a result, the parties respectfully request that the Court stay this litigation until such investigation concludes. *Cf. De La O v. Arnold-Williams*, No. 04 Civ. 192, 2005 WL 8158924, at *6 (E.D. Wash. June 21, 2005) (finding that “the principles involved in the ‘ongoing investigation’ exemption, 5 U.S.C. § 522(b)(7), necessitate the entry of a 120-day stay”). At that point, the Government can determine whether any additional records are responsive to the FOIA request, and whether those may be produced or withheld in full or in part pursuant to any applicable FOIA Exemptions. In addition, the parties will also be able to determine whether motion practice will be necessary to resolve this matter. Accordingly, a stay would potentially limit the issues in dispute and allow any remaining issues to be litigated as efficiently as possible.

The parties thank the Court for its consideration of this request.

Respectfully,

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Southern District of New York

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